

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 200

Introduced by Senator Murray

February 13, 2003

An act to add Section 10233.1 Insurance Code, relating to long-term care insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as amended, Murray. Long-term care insurance: genetic ~~information~~ testing.

Existing law provides for the regulation of long-term care insurance by the Insurance Commissioner and the assessment of ~~administration's~~ *pen administrative penalties for the violation of these provisions.*

This bill would prohibit ~~the denial of a long-term care insurance based on a person's insurer from requiring testing for the presence of a genetic information characteristic for insurability or underwriting purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10233.1 is added to the Insurance Code,
2 to read:

3 ~~10233.1. On or after January 1, 2003, no person may be~~
4 ~~denied long-term care insurance on the basis of his or her genetic~~
5 ~~information.~~

6 10233.1. (a) *On or after January 1, 2004, no long-term care*
7 *insurer may require testing of an applicant on a voluntary or*

1 *involuntary basis for the presence of a genetic characteristic for*
2 *underwriting purposes or for the purpose of determining*
3 *insurability.*

4 *(b) For the purposes of this section, a “genetic characteristic”*
5 *means any scientifically or medically identifiable gene or*
6 *chromosome, or alteration thereof, that is known to be a cause of*
7 *a disease or disorder; or that is determined to be associated with*
8 *a statistically increased risk of development of a disease or*
9 *disorder; and that is presently not associated with any symptoms*
10 *of any disease or disorder.*

11 *(c) For the purposes of this section, “testing for the presence of*
12 *a genetic characteristic” means a laboratory test that is generally*
13 *accepted in the scientific and medical communities for the*
14 *determination of the presence or absence of a genetic*
15 *characteristic.*

